REMARKS

Claims 1-40 are pending in this application. The Office has rejected claims 1, 3, 5, 7, 9, 11, 15-17, 20, 22, 29, and 30 under 35 USC § 103(a) as being unpatentable over Asami *et al.* (Pat. No. 6,434,554) in view of Sit (Pat. No. 5,940,835). Claims 31, 32, 36-38, and 40 stand rejected under 35 USC § 103(a) as being unpatentable over Asami in view of Kosciuszko (Pat. No. 6,560,593). Claims 2, 6, 10, and 23 stand rejected under 35 USC § 103(a) as being unpatentable over Asami, Sit, and Gatto (Pat. No. 6,510,419). Claims 4, 8, 14, 18, 19, 26, and 27 stand rejected under 35 USC § 103(a) as being unpatentable over Asami, Sit, and Benhadda et al. (Pat. No. 6,366,904). Claims 12, 13, and 28 stand rejected under 35 USC § 103(a) as being unpatentable over Asami, Sit, and Kosciuszko (Pat. No. 6,560,593). Claim 21 stands rejected under 35 USC § 103(a) as being unpatentable over Asami, Sit, and Gilmour (Pat. No. 6,647,384). Claims 24 and 25 stand rejected under 35 USC § 103(a) as being unpatentable over Asami, Sit, and Sevitsky et al. (Pat. No. 6,557,011). This Office action has been made final and is responsive to Applicant's communication filed on July 16, 2004.

The Rejection of Independent Claims 1, 5, 9, and 22 in View of Asami and Sit

Applicant appreciates the Examiner's detailed comments in addressing Applicant's previously reply, but Applicant nevertheless must respectfully traverse the current rejection. As the Office has indicated in its actions, Asami does not show all features of Applicants claims, including a database system that tracks "an amount of usage of the accessed one or more resources." Applicant maintains that Sit does not show or suggest this element as well.

The purpose of Sit's tracking system is to organize or group data so that data with similar attributes can be more easily identified and tracked. Sit clearly describes the purpose of this tracking system in the abstract, stating that "the tracking identifier[s] are assigned field identifiers to ascribe meanings to the fields to implement tracking systems that track related objects...." Sit therefore uses these field identifiers to track the related objects themselves, not to track the ***amount of usage*** of an object.

As defined by the Office, tracking means to "follow the traces or footprints." Sit's tracking system does exactly this – track or look for similar footprints. The footprints Sit's system looks for, however, are footprints of the data objects themselves and not for the ***amount of usage*** of any of those objects.

Additional support for Applicant's position can be found upon further examination of Sit's tracking field identifiers. Sit teaches that, to describe and identify each piece of data, tracking field identifiers (or simply "field identifiers") are ascribed meanings and assigned to data stored in a database. Sit further teaches that the ascribing of meaning to field identifiers and the assigning of field identifiers to data is performed by one or more users so that the data can be properly identified. (See column 6, lines 15-18.) One or more users are required to create and assign meanings because the tracking system has no understanding of the data or the assigned meaning. The tracking system only knows how to find and match data with similar field identifiers. If Sit's tracking system were truly tracking the ***amount of usage*** of an object, it would not need this level of user interaction.

Moreover, for Sit's system to function as described, the field identifiers must remain static once defined by a user. Tracking an ***amount of usage***, however, requires a field that is updated as usage occurs. Therefore, field identifiers can not be used to track the ***amount of usage*** of an object because their meanings are fixed by a user. (When a field identifier is ascribed a meaning by a user, it is then assigned to data having a similar meaning. If at some future time, a user changed the meaning ascribed to the field identifier and assigned the same field identifier to new data having the new meaning, the system would now have multiple pieces of data each having one of two different meanings but the same field identifier, thus causing the system to incorrectly group data having different meanings.)

Applicant does not disagree with the Office's statement that Sit has tracking identifiers and that the tracking system is versatile, but Applicant can find no support in Sit for a system that tracks the ***amount of usage*** of an object, as required by Applicant's claims. This element seems to be missing entirely from Sit. Since neither Asami nor Sit shows or suggests a database system that tracks "an amount of usage of the accessed one or more resources," the rejected claims are allowable over these references.

The Rejection of Independent Claim 31 in View of Asami and Kosciuszko

To establish a *prima facie* case, at least the following requirements must be met: (1) there must some motivation or suggestion to combine the referenced teachings; and (2) the references when combined must teach or suggest all elements of the claimed subject matter. *See* M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129. The Office Action cannot establish a *prima facie* case of obviousness with respect to claim 31 because neither requirement can be satisfied.

In rejecting claim 31, the Office, on page 15, states that Asami does indeed teach to "update an indication representing usage of the user-defined data type," pointing to Asami's col. 4, lines 48-61, and col. 4, lines 64-67, to make its point. The first passage (col. 4, lines 48-61) cited by the Office, however, simply describes the standard SQL query language used by most databases to manipulate data. The teaching in this passage is generic in nature in that it describes the different ways data can be manipulated by standard types of SQL commands. The passage does not describe any specific data that is manipulated.

The SQL language is a low level set of constructs to be used in some higher level process. Without any express teaching, a database's inherent ability to manipulate data can not be construed to mean the manipulation of specific types of data or to imply what the manipulated data might represent. While a user-defined data type is taught in the second passage, there is no teaching to update an indication representing the usage of the user-defined data type. This element as claimed by Applicant is missing from Asami.

Kosciuszko also does not show this feature. Kosciuszko describes a method for "viewing the effect of changes to indexing designs for database tables." In his method, Kosciuszko creates a first query optimization plan based on actual database indexes and then creates a second query optimization plan based on proposed changes to the database indexes. The two query optimization plans are then compared to see if the proposed changes to the indexes result in better performance. Nowhere does Kosciuszko show or suggest updating an indication representing usage of the user-defined data type.

Therefore, even if Asami and Kosciuszko can be combined, the hypothetical combination of Asami and Kosciuszko does not teach or suggest all elements of the claims.

Moreover, there is simply no motivation or suggestion to combine the teachings of Asami and Kosciuszko. The two references are directed at completely different solutions. Asami teaches a "technology that allows data types newly added to a database to be queried in the same manner as conventional data types without requiring specialized knowledge of the data type." Kosciuszko shows "using virtual tables and virtual indexes for determining optimization plans for database queries when indexes for the database tables are changed." These references do not solve the same or even similar problems. A person of ordinary skill in the art would have no motivation to combine the teachings of Asami and Kosciuszko, as there would be no advantage in doing so. Neither teaching has a solution for the other's problems. Furthermore, except for the use of a database, the teachings of neither of these references relate to each other or to Applicant's claimed invention. There is simply no suggestion or motivation to combine Asami and Kosciuszko, other than an improper hindsight reconstruction of the claims using Applicant's disclosure as a guide.

The Office has failed to establish a *prima facie* case of obviousness with respect to claim 31. The combined references do not teach all the elements of Applicant's claims, and there is no suggestion or motivation for a person of ordinary skill to combine the references. Claim 31 is therefore allowable over these references.

Rejections in View of Gilmour, Benhadda, Gatto, and Sevitsky

Like the other references, Gilmour, Benhadda, Gatto, and Sevitsky do not show or suggest tracking an amount of usage of an accessed resource of a database, as required by Applicant. These references are completely silent on this element. Applicant's claims are therefore allowable over these references.

Dependent Claims

The dependent claims are allowable for at least the same reasons as the corresponding independent claims.

CONCLUSION

All of Applicant's claims are allowable over the art of record. Applicant asks that the Office reconsider this application and allow all of the claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Respectfully,

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